

**ATTACHMENT 14
HCPC INVESTIGATION**

Harris County
HCPHES
Public Health & Environmental Services
Environmental Public Health Division

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INVESTIGATION REPORT

INVESTIGATION DATE: May 22, 2009

TIME: 10:25 AM to 11:30 AM

ID 15233

**MCC Recycling LLP c/o
U. S. Oil Recovery, L.P. , Integrated MCC Solutions LLC and
Genssler Environmental Holdings, LLC
6363 Woodway Dr., Ste 1125
Houston, Texas 77057-1758**

LOCATION OF INVESTIGATION: 200 Richey Rd, Pasadena Texas 77536

KEY MAP: 536 G

**PERSONS CONTACTED: James Wise
Daniel Moore
Jhonaton Lara**

TELEPHONE NUMBER: See below

TITLE: See below

WEATHER: Clear

WIND DIRECTION: NW

SPEED: 3-5 MPH

INVESTIGATOR: E. A. Gynn

**PHOTOS: 5/22/09 - 48
5/26/09 - 56
5/29/09 - 32
5/30/09 - 13
5/31/09 - 3
6/2/09 - 46**

NATURE OF INVESTIGATION: Water - Non-storm water - Non-MS4 - Industry

VIOLATION: TWC 26.121; 30 TAC 335.2(a); TRO (May 22, 2009) Items 1 and 3

NARRATIVE: See Attached

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Introduction

On May 15th, 18th, and 20th, 2009, Wastewater Permit Specialist John Emerson conducted inspections of the facility identifying itself as MCC Recycling LLP (MCC) in response to complaints and reports of spills. His findings may be found in his report dated May 15, 2009. As a result of his findings, a Temporary Restraining Order (TRO) was issued on May 22, 2009 enjoining MCC from having further spills, bringing in additional wastewater without authorization, and requiring MCC to report any spills should they occur (see Attachment A-1). This report addresses investigative activities and events that occurred from May 22nd through June 2nd 2009 (see Attachment A-2).

Persons participating in the investigation:

E. A. Guynn – Senior Coordinator, Training
N. Genz – Supervisor, Solid Waste Section
J. Emerson – Wastewater Permit Specialist

A. Tomlinson – Investigator
A. Rushanan – Investigator

Persons associated with MCC/USOR contacted:

James Wise – Environmental Manager USOR
Daniel Moore – Contractor/Plant Operator MCC

Jhonaton Lara – Employee of USOR
Tommy Kaiser - Electrician

Physical Inspections conducted at the facility:

May 22, 2009 – E. Guynn and N. Genz accompanied by James Wise

May 26, 2009 – E. Guynn and A. Tomlinson accompanied by James Wise and Daniel Moore

May 29, 2009 - E. Guynn and A. Tomlinson contacted Jhonaton Lara.

June 2, 2009 – E. Guynn and J. Emerson accompanied by Daniel Moore and Jhonaton Lara; Tommy Kaiser, also present at facility.

Drive-by inspections:

May 29, 2009 – E. Guynn and A. Rushanan (separately)

May 31, 2009 – J. Emerson

Site Information

The MCC Recycling LLP facility is an approximately 5 acre property (see Attachment B-1) containing several structures that once made up the City of Pasadena's Vince Bayou municipal wastewater treatment plant (WWTP). The City of Pasadena closed the plant on March 8, 2004 (see Attachment B-2). The plant and property had not been used or maintained at the time of its purchase by US Oil Recovery #2

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(USOR #2) on December 1, 2008 (see Attachment B-3) for approximately 5 years. According to City of Pasadena Engineer, D. Dayananda, the plant was sold as-is. He stated that Pasadena did not conduct a property assessment before the sale. He stated that he personally notified the President of USOR, Klaus Genssler, that a lot of copper electrical wiring was missing and that there were problems with the clarifier on the west side of the plant that consisted of a leak to Vince Bayou and that when the water level in Vince Bayou got high, it flooded into the clarifier. Employees, specifically Mr. James Wise, informed me that MCC and USOR (US Oil Recovery LP) are separate companies owned by the same principals and that the facility is operating under the name MCC Recycling LLP. This is further supported by a letter from USOR Klaus Genssler to City of Pasadena Public Works Director Robin Greene (see Attachment B-4). The relationship between the companies is still unclear. MCC is registered with the Texas Secretary of State office (see Attachment B-5).

The intended use of the site by MCC is an industrial waste water pretreatment plant. According to D. Dayananda, USOR, by agreement, ceased their discharge to the City of Pasadena on the last day of February 2009 and began discharging to the MCC facility. James Wise verified that the MCC facility started receiving waste water at the beginning of March.

The WWTP facility is bisected by Vince Bayou effectively dividing it into two sections (see Attachment B-6). The West section or side consists of two clarifiers, a trickle filter basin/system, a lift station, an influent tank equipped with grit traps, and a small concrete block maintenance building. The East section or side consists of a sludge thickener, a pumphouse, a 600,000 gallon digester, 2 clarifiers, 2 additional digesters, 2 aeration basins, a lift station, 2 sand filters, a chlorine contact chamber, a chlorine building, a sludge processing building, and an office/shop building. The two sides are connected by a pipe rack and foot bridge erected over Vince Bayou. Note that the descriptions used here describe the originally designed use of the structures and tanks and not the repurposed use they are currently being put to by MCC. All of the tank and sump structures are constructed of poured concrete. All structures with the exception of the sumps, lifts stations, the west clarifier, and the sludge thickener are constructed above the surface.

There are five outfalls leading from the facility to Vince Bayou. Two outfalls are located on the west side of the facility and three outfalls are located on the east side of the facility. On the west side, one outfall is a stormwater outfall consisting of an approximately 8 inch concrete pipe that originates in the area around the trickle filter. The second outfall, located approximately 30 feet north of the foot bridge originates in a sump approximately 20 ft west of the outfall. This sump has two incoming gate valves. The

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gate valves connect to the clarifiers and trickle filter on that side of the plant (see Attachment B-7). The gate to the upper clarifier and trickle filter was closed at the time of this investigation. The gate to the lower clarifier was missing. This outfall also had a gate at the discharge point at Vince Bayou, the gate was open at the time of this investigation. On the east side, one outfall is located approximately 5 feet north of the foot bridge. This outfall originates near the southeast corner of the sand filters. The remaining two outfalls are adjacent to each other and are located approximately 100-150 feet north of the foot bridge. The origin of the northmost outfall is unknown at this time. The more southern outfall originates at the chlorine contact chamber.

At the time this investigation began, I observed that the plant was still in need of a lot of maintenance and refurbishing (see photographs on file). It was clear that while a lot of electrical work had been conducted based on new conduits and boxes, it was not finished. This was evident in the presence of empty trenches for conduits from the new boxes, missing or damaged wiring and conduits at the lift station on the east side of the plant and at various other locations around the plant. It was also clear that tanks, pipes, valves, and structures had not been cleaned, cleared, or properly maintained before the plant was put into use by MCC. This was evident in the fact that the chlorine contact chamber contained approximately 40 cubic yards of sludge, the sand filters had plant growth in them, similar plant debris was floating on the contents of the clarifiers and aeration basins on the east side, there was trash, litter, and plant debris in the raceways connecting the tanks, plant debris and litter was obstructing at least one gate valve preventing it from seating and causing leakage on the east side. A gate valve was completely missing on the west side between the clarifier and Vince Bayou. Severe rust on metal apparatus was endemic. According to Daniel Moore, many of the valves were in bad shape or were altogether frozen. As described later in this report, some of these maintenance issues have resulted in discharges from the facility.

Authorizations

A search of the Texas Commission on Environmental Quality (TCEQ) Central Registry Database under both MCC and USOR found that the only authorizations for the facility were a used oil registration and a general waste water permit for discharges associated with petroleum bulk stations and terminals (see Attachment C-1). The waste water general permit was cancelled on May 29, 2009 per James Wise via a Notice of Termination sent to the TCEQ. The state adopted federal regulations with regard to used oil processing (see 30 TAC 324.1). The wastewater present at MCC is not subject to the used oil processing